

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

District of Puerto Rico

Division

Alfredo G. Ruiz Pagan

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Department of Education of the Government of Puerto Rico

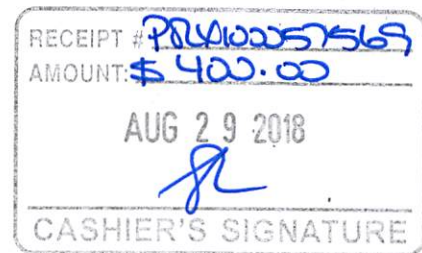
Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

18-CV-1622(PAD)
(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☒ No



COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Alfredo G. Ruiz Pagan
Street Address	PO Box 192114
City and County	San Juan
State and Zip Code	Puerto Rico, 00919-2114
Telephone Number	7872317894
E-mail Address	N/A

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name	Department of Education of the Government of Puerto Rico
Job or Title <i>(if known)</i>	Honorable Secretary of Education Julia Kelleher
Street Address	Calle Federico Costa #150
City and County	Hato Rey
State and Zip Code	Puerto Rico 00918
Telephone Number	7877735800
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

- ☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

United States Code - Title 20 - Education

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

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b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____
Or is incorporated under the laws of (foreign nation) _____
and has its principal place of business in (name) _____

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The Department of education violated the plaintiff rights when:

1) They did not complete the Plaintiff transition to enter either (20 USC 1400, 20 USC 1401):

- (a) World of work
- (b) Move towards an independent life

2) They did not follow the "due process" to Exit the Plaintiff from the Special Education Program, by violating the parents rights and did not communicate the parent and did not carry out the IEP Team Meetings (COMPU) to establish the plaintiff status (20 USC 1400-14001).

3) Limited the Plaintiff's access to a to his records (20 USC 1400, 20 USC 1401)

4) Violated the parent's rights by obstructing the access to the plaintiff records which cause harm to him by not having the documental evidence to defend himself until November 16, 2016. Also halted all the special education program and related services for many years.

5) Did not provide and pay the all Special Education and Related Services granted for three years by the IEP Team on the IEP meeting celebrated by the end of the second semester of the academic year 2012-2013 that would begin in August 2013 and ended three years after in May 2016. (20 USC 1401)

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The relief requested includes the costs for special education that the plaintiff is entitled to and were not provided or reimbursed by the Department of Education of the Government of Puerto Rico. These services were provided in the private school that the plaintiff was eligible and were attending for the academic years of 2014-2015, 2015-2016, 2016-2017, and August 2017 to January 2018. The total amount of \$68,480, including special education costs, related services cost (therapies, transportation, and other).

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08/29/2018

Signature of Plaintiff

Printed Name of Plaintiff

Leticia Pagan in representation of Alfredo G. Ruiz
Alfredo G. Ruiz Pagan represented by Leticia Pagan mother) (Pro Pagan

B. For Attorneys

Date of signing: 08/29/2018

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Leticia Pagan
Leticia Pagan

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San Juan, PR 009192114
(787) 231-7894
leticia.pagan@aol.com